KIM ELLIS
Reg No. 95279-011
FEDERAL CORRECTIONAL INSTITUTION
HERLONG
P.O BOX 800
HERLONG, CA. 96113

FILED
2017 SEP 25 P 12: 24
SUSAN Y. SOONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

INITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KIM ELLIS Petitioner, Vs. UNITED STATES OF AMERICA Respondent.	Crim. No. CR-01-0344-~~HMP~~ EMC **PETITION REQUESTING A JUDICIAL RECOMMENDATION FOR EXTENDED LENGTH OF RESIDENTIAL RE-ENTRY CENTER (RRC) PLACEMENT, PURSUANT TO 18 U.S.C § 3621(b)(4), BY A FEDERAL PRISONER.**

TO THE ABOVE ENTITLED COURT, AND TO THE UNITED STATES ATTORNEY'S OFFICE, FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION:

COMES NOW Kim Ellis (hereinafter the "Petitioner"), who appears in Pro se in this instant matter, and hereby respectfully petitions this Honorable Court for a Judicial Recommendation for an Extended length of Residential Re-entry Center (RRC)- Halfway House placement, pursuant to the provisions set forth under 18 U.S.C § 3621(b)(4).

LIBERAL CONSTRUCTION IS REQUIRED

The Petitioner is a "Layperson" who lacks training in the science of law. Under the guidance prescribed in Haines v. Kerner, 404 U.S. 519, 520 (1972), the United States Supreme Court holds allegations of a pro se complaint to less stringent standards than formal pleadings drafted by lawyers. Therefore, under this holding, liberal construction is required in considering the within petition at bar.

JURISDICTION

This Honorable Court is the original Court of Jurisdiction, and is empowered to hear and render a decision of the merits of the within petition under the provisions of 18 U.S.C § 3621(b)(4), and 18 U.S.C § 3231.

STATEMENT OF RELEVANT FACTS

1. On February 18, 2003, a federal grand jury returned a Third Superseding Indictment charging Kim Ellis with a number of firearms and drug violations. Among these charges, Count 6 charged him with participating in a conspiracy to possess 5 kilograms or more of cocaine powder and distribute 50 grams or more of cocaine base, in violation of Title 21 U.S.C § 846.

2. On December 13, 2005, Kim Ellis entered a guilty plea to Count 6. In his written plea agreement, and in an allocution under oath at the change of plea hearing, Ellis admitted that he had previously been convicted of a felony drug offense for purposes of increasing the applicable mandatory minimum sentence under 21 U.S.C § 841(b) and § 851. The written plea agreement, entered into pursuant to Fed.R.Crim. P 11(c)(1)(C), called for a sentence of 240 months (i.e., the statutory mandatory minimum).

3. On March 27, 2006, the Court sentenced Ellis to a prison term of 240 months.

4. On August, 2006, Kim Ellis arrived at his present place of confinement, where he was designated by the Federal Bureau of Prisons (FBOP), and is currently housed at Federal Correctional Institution Herlong, California.

5. Kim Ellis has demonstrated good conduct and compliance with FBOP conditions during his near 15 years of incarceration and stands at a 6 Level Security Custody Prison points, an exemplary pattern of prison conduct. Also kim Ellis has demonstrated his efforts in rehabilitating himself, such as taking multiple classes while incarcerated such as: earned his GED while in custody and earned his Associates Degree From Lassen College (AA Degree), also has earned more than 50 rehabilitating classes including a 40 Hour Drug Abuse Program. **See Prison Educational Program Statement Attached. Exhibit A.**

Kim Ellis is both credible and motivated by a desire to reintegrate into society as a positive contributing and law-abiding member. Kim Ellis urges that placement in a halfway house for 12-months prior to the running of his 240 month sentence is necessary to unable him to secure stable employment there to help support his family and in order to provide the greatest likelihood of successful reintegration into the community.

ELIGIBILITY Vs APPROPRIATENESS

In exercising this Honorable Court's vast determination in considering the lenght of placement to recommend in the instant matter, it is critical to point out the difference between eligibility and appropriatness. Under the Second Chance Act, all inmates are statutorily eligible for upto 12-months of pre-release RRC placement. Nevertheless, not all inmates are appropriate for RRC placement.

However, the Petitioner in this instant action respectfully asserts that his instant case at bar is indeed one that is appropriate, and thereby, he respectfully petitions this Honorable Court to determine and make a Judicial Recommendation based on an individual assessment, of an extended length of RRC placement for the full 12-months to which he is statutorily eligible to receive under the Second Chance Act.

INDIVIDUAL ASSESSMENT

This Honorable Court is empowered to individually assess the Petitioner for his appropriatness, and determine the length of the recommended amount of pre-release RRC placement, using the five factors from 18 U.S.C § 3621(b):

1) The resources of the facility contemplated; 2) The nature and circumstances of the offense; 3) The history and characteristics of the prisoner; 4) Any statement by the court that imposed the sentence;

a) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or b) recommending a type of penal or correctional facility as appropriate and;

5) Any pertinent policy statement issued by the U.S. Sentencing Commission.

DISCUSSION

The Petitioner in this matter is presently at disadvantage upon his eventual release from his instant prison term, due the fact that not only he has no tangible assets, nor residence to release to upon his completition of his instant prison term, but also lacks the economic resources to independently and immediately actualize himself to the community or society, considering that in the many years of his incarceration many things have evolved including technology and other critical aspects of his community or society. Therefore, Kim Ellis is in dire need of on extended length of RRC placement, in order to allow himself to acquire the community support system that he is in desperate need of to live and remain in a crime-free lifestyle.

The fact that Kim Ellis will be released from prison with no readily available residence, no prospect work offers, nor any community support system in place, he will unfortunately be at a "higher-risk" level in terms of his chances to recidivate. Consequently, due to this "higher-risk" status, Kim Ellis meets the criteria in terms of appropriateness for an extended length of placement at an RRC.

The Petitioner is a prime candidate for the resources available and the opportunities provided at an RRC. Kim Ellis will benefit fully via the resources available at an RRC and will also be assisted in finding and maintaining gainful employment. Kim Ellis is still at an age bracket where he can be rehabilitated, re-trained, and successfully re-integrated into society upon his eventual release from prison. Kim Ellis has acquire a level of educational skill during his incarceration that make him a perfect candidate to succeed in his community.

The Petitioner fully acknowledges that if this Honorable Court Grants the within petition at bar, that the court's recommendation he is seeking is solely advisory, and is not a binding order on the Federal Bureau of Prisons (FBOP).

18 U.S.C § 3621(b)(4).

In designating the place of the prisoner's imprisonment, the FBOP may consider, among other factors under (b)(4): any statement by the court that imposed the sentence - a) concerning the purpose for which the sentence to imprisonment was determined to be warranted; or b) recommending a type of penal or correctional facility as appropriate [.]

The Petitioner fully acknowledges the authority to determine placement in an RRC or Halfway House rests solely with the FBOP. However, this Honorable Court has the jurisdiction to consider the within petition at bar, and has the authority to make a Judicial Recommendation in determining the length of RRC placement to the FBOP - on an advisory basis.

In exercising the judicial authority this Court is empowered to make, in recommending an extended length of RRC placement, the FBOP may consider the recommendation, but is not bound to the Court's recommendation. The Petitioner is solely seeking this Honorable Court's judicial recommendation in this action. See United States v. Wallace, No. 5:13-CV-27 (Doc. 46)(W.D. Ky. Dec. 16, 2015)(granting a motion for judicial recommendation concerning length of halfway house placement).

There is no limitation in 18 U.S.C § 3621(b)(4), that require the Court's recommendation to be made prior to the Petitioner's date of sentencing. Therefore, the instant petition at bar is ripe for this Honorable Court's review.

CLOSING

Turning to the merits of the within petition at bar, the FBOP's Revised Guidance for Residential Re-entry Center (RRC) placement acknowledges that all inmates are statutorily eligible for pre-release RRC placement but notes that only some individuals are appropriate for such placement.

The petitioner respectfully beseeches that this Honorable Court take into account the same factors considered by the FBOP in determining whether an extended length of RRC placement is appropriate and requests that this Court make a judicial recommendation that he is likely candidate to benefit exponentially from such an extended length of RRC placement.

The Petitioner has an exemplary record of prison conduct, and is utilizing his instant term of imprisonment wisely by maintaining positive and making use of the available opportunities afforded to him in the FBOP. The vast resouces provided by an RRC will ensure that the Petitioner is properly re-trained in a gainful area of employment, and shall better his prospects for a successful re-integration into his community upon his eventual release from prison.

CONCLUSION

WHEREFORE, the Petitioner, Kim Ellis, hereby respectfully petitons this Honorable Court for Judicial Recommendation, made to the Federal Bureau of Prisons, to place him in an RRC for the maximum time allowed of twelve (12) months RRC placement, under 18 U.S.C § 3621(b)(4).

Respectfully Submitted

Executed on this 9 / 15 /2017.

Kim Ellis

CERTIFICATE OF SERVICE

I, Kim Ellis herby certify that I have served a true and correct copy of the following:

PETITION REQUESTING A JUDICIAL RECOMMENDATION FOR EXTENDED LENGTH OF RESIDENTIAL RE-ENTER CENTER (RRC) PLACEMENT, PURSUANT TO 18 U.S.C § 3621(b)(4), BY A FEDERAL PRISONER.

Which is deemed filed at the time it was delivered to prison authorities for forwarding, Houston v. Lack, 101L. Ed. 2d 245 (1988), upon the defendant/defendants and or his attorney/attorneys of record, by placing same in a sealed, postage prepaid envelope addressed to:

and deposited same in the United States Mail at:

I declare, under penalty of perjury (Title 28 U.S.C. §1746), that the foregoing is true and correct.

Dated this 15th day of September, 2017.

Kim Ellis

EXHIBIT A.

PRISON EDUCATIONAL PROGRAM STATEMENT

PAGE 001 * INMATE EDUCATION DATA * 09-15-2017
* TRANSCRIPT * 08:02:00

REGISTER NO: 95279-011 NAME..: ELLIS FUNC: PRT
FORMAT.....: TRANSCRIPT RSP OF: HER-HERLONG FCI

-------------------------- EDUCATION INFORMATION --------------------------

FACL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
HER	ESL HAS	ENGLISH PROFICIENT	08-30-2006 1524	CURRENT
HER	GED EARNED	GED EARNED IN BOP	05-31-2007 0923	CURRENT

---------------------------- EDUCATION COURSES ----------------------------

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
HER	ACE BUSINESS ETIQUETTE	12-15-2016	12-15-2016	P	C	P	2
HER	ACE INTRO TO BUDGETING (RPP 3)	11-07-2016	11-07-2016	P	C	P	2
HER	ACE JOB INTERVIEWING (RPP 2)	11-11-2016	11-11-2016	P	C	P	2
HER	RESUME WRITING 101 (RPP 2)	11-16-2016	11-16-2016	P	C	P	2
HER	ACE MANNERS FOR MEN (RPP 6)	11-14-2016	11-14-2016	P	C	P	2
HER	ACE DRESS FOR SUCCESS (RPP 6)	11-28-2016	11-28-2016	P	C	P	2
HER	ACE NUTRITION & MEALS (RPP 1)	11-23-2016	11-23-2016	P	C	P	2
HER	CREDIT EVAL AND REPAIR (RPP 3)	10-13-2016	10-13-2016	P	C	P	2
HER	ACE TIME MANAGEMENT (RPP 6)	10-10-2016	10-10-2016	P	C	P	2
HER	ACE INTRO TO BUDGETING (RPP 3)	06-03-2016	06-03-2016	P	C	P	2
HER	ACE JOB INTERVIEWING (RPP 2)	05-11-2016	05-11-2016	P	C	P	2
HER	ACE TIME MANAGEMENT (RPP 6)	05-05-2016	05-05-2016	P	C	P	2
HER	CREDIT EVAL AND REPAIR (RPP 3)	05-06-2016	05-06-2016	P	C	P	2
HER	ACE BUSINESS ETIQUETTE	03-26-2016	03-26-2016	P	C	P	2
HER	ACE DRESS FOR SUCCESS (RPP 6)	04-21-2016	04-21-2016	P	C	P	2
HER	RESUME WRITING 101 (RPP 2)	04-04-2016	04-04-2016	P	C	P	2
HER	ACE MANNERS FOR MEN (RPP 6)	03-15-2016	03-15-2016	P	C	P	2
HER	ACE INTRO TO BUDGETING (RPP 3)	04-07-2015	04-07-2015	P	C	P	2
HER	RESUME WRITING 101 (RPP 2)	03-28-2015	03-28-2015	P	C	P	2
HER	ACE BUSINESS LAW I	03-06-2015	03-30-2015	P	C	P	8
HER	ACE FIRST 30 DAYS	01-08-2015	01-15-2015	P	C	P	4
HER	ACE JOB INTERVIEWING WORKSHOP	02-17-2015	02-17-2015	P	C	P	2
HER	WESTERN CIVILIZATION-LCC	08-18-2014	12-19-2014	C	C	P	0
HER	ABNORMAL PSYCHOLOGY	08-18-2014	12-19-2014	C	C	P	0
HER	CREDIT EVALUATION AND REPAIR	11-06-2014	11-06-2014	P	C	P	2
HER	ENGLISH1 WRITING-LCC	01-13-2014	05-23-2014	C	C	P	0
HER	MATH 60(AA DEGREE)-LCC	01-13-2014	05-23-2014	C	C	P	0
HER	MODELING KIT	05-05-2012	06-26-2014	P	C	P	3
HER	CHILD SUPPORT (RPP 6)	03-06-2014	03-06-2014	P	C	P	2
HER	DRAWING 1 (RPP6)	01-11-2014	03-26-2014	P	C	P	3
HER	ENGLISH PREREQUISITE-LCC	08-19-2013	12-20-2013	C	C	P	0
HER	MATH 51(AA DEGREE)-LCC	08-19-2013	12-20-2013	C	C	P	0
HER	HEALTH 25-LCC	08-19-2013	12-20-2013	C	C	P	0
HER	HIST16-PRE CIVIL WAR-LCC	01-14-2013	05-24-2013	C	C	P	0
HER	ES1 ETHNIC STUDIES-LCC	01-14-2013	05-24-2013	C	C	P	0
HER	PHYSICAL ANTHROPOLOGY	08-20-2012	12-21-2012	C	C	P	0
HER	ART APPRECIATION-LCC	08-20-2012	12-21-2012	C	C	P	0
HER	COUNSELING GUIDANCE-LCC	08-20-2012	12-21-2012	C	C	P	0
HER	SELF AWARENESS	08-27-2012	12-18-2012	P	C	P	10
HER	POLITICAL SCIENCE-LCC	06-18-2012	08-09-2012	C	C	P	0

G0002 MORE PAGES TO FOLLOW . . .

REGISTER NO: 95279-011 NAME..: ELLIS FUNC: PRT
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EDUCATION COURSES

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
HER	SELF AWARENESS	04-04-2012	08-24-2012	P	C	P	20
HER	NON PROFIT	04-04-2012	08-24-2012	P	C	P	20
HER	MATH 101-LCC	01-17-2012	05-25-2012	C	C	P	0
HER	SOCIOLOGY 2-LCC	01-17-2012	05-25-2012	C	C	P	0
HER	ECONOMICS 11/LCC	01-17-2012	05-25-2012	C	C	P	0
HER	BUSINESS COMMUNICATIONS	01-17-2012	05-25-2012	C	C	P	0
HER	BUSINESS OWNERSHIP 2	03-12-2012	05-18-2012	P	C	P	20
HER	BUSINESS OWNERSHIP (RPP3)	12-03-2011	02-13-2012	P	C	P	20
HER	FCI EMPLOYMENT SKILLS (RPP2)	10-14-2011	01-16-2012	P	C	P	20
HER	ADVANCED REAL ESTATE INVESTOR	10-18-2011	01-19-2012	P	C	P	25
HER	MONEYSMART	10-04-2011	01-26-2012	P	C	P	30
HER	BUSINESS OWNERSHIP 2	10-14-2011	01-26-2012	P	C	P	30
HER	WORLD RELIGIONS-LCC	01-18-2011	05-27-2011	C	C	P	0
HER	BASIC WRITING-LCC	01-18-2011	05-27-2011	C	C	P	0
HER	BUSINESS 2/LCC	08-12-2010	12-17-2010	C	C	P	0
HER	HEALTH 2-LCC	08-12-2010	12-17-2010	C	C	P	0
HER	INTRO TO SOC-LCC	06-07-2010	09-29-2010	C	C	P	0
HER	CHILD PSYCHOLOGY-LCC	12-11-2009	05-28-2010	C	C	P	0
HER	PRINCIPLES OF PSYCH-LCC	12-11-2009	05-28-2010	C	C	P	0
HER	GENERAL PSYCH-LCC	12-11-2009	05-28-2010	C	C	P	0
HER	LEGAL RESEARCH-ELL (RPP6)	03-11-2008	03-11-2008	P	C	P	3
HER	DRUG EDUCATION - 30HR (RPP1)	02-01-2008	02-20-2008	P	C	P	30
HER	GED PENDING	05-11-2007	05-31-2007	P	C	P	189
HER	GEDF 12:00PM	11-06-2006	05-11-2007	C	W	I	0
HER	FCI EMPLOYMENT SKILLS (RPP2)	12-19-2006	12-19-2006	P	C	P	2
HER	PARENTING FOR PREVENTION(RPP6)	11-06-2006	11-20-2006	P	C	P	6
HER	BUSINESS OWNERSHIP (RPP3)	10-11-2006	11-08-2006	P	C	P	24
HER	COMMUNICATION CLASS (RPP6)	10-03-2006	10-13-2006	P	C	P	6

HIGH TEST SCORES

TEST	SUBTEST	SCORE	TEST DATE	TEST FACL	FORM	STATE
GED	AVERAGE	464.0	05-11-2007	HER	PASS	CA
	LIT/ARTS	480.0	05-11-2007	HER	IH	CA
	MATH	410.0	05-11-2007	HER	IH	CA
	SCIENCE	480.0	05-11-2007	HER	IH	CA
	SOC STUDY	470.0	05-11-2007	HER	IH	CA
	WRITING	480.0	05-11-2007	HER	IH	CA
GED PRAC	LIT/ARTS	410.0	10-12-2006	HER	PE	
	MATH	350.0	10-12-2006	HER	PE	
	SCIENCE	450.0	10-12-2006	HER	PE	
	SOC STUDY	520.0	10-12-2006	HER	PE	
	WRITING	400.0	10-12-2006	HER	PE	
TABE D	BATTERY	2.4	10-05-2006	HER	10	
	LANG MECH	2.0	10-05-2006	HER	10	
	LANGUAGE	1.8	10-05-2006	HER	10	

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------------------------------ HIGH TEST SCORES ------------------------------

TEST	SUBTEST	SCORE	TEST DATE	TEST FACL	FORM	STATE
TABE D	READING	3.1	10-05-2006	HER	10	
	SPELLING	3.6	10-05-2006	HER	10	
	VOCABULARY	2.5	10-05-2006	HER	10	
TABE M	MATH APPL	2.9	10-05-2006	HER	10	
	MATH COMP	1.5	10-05-2006	HER	10	
	TOTAL MATH	2.3	10-05-2006	HER	10	

G0000 TRANSACTION SUCCESSFULLY COMPLETED